IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 17143 of 2006

DATED: 28-8-2006

Between:

M.Sudhakar petitioner

And

The Principal Secretary to the Govt,
Labour, Employment & Training Factories,
(Lab-IV) Department
Secretariat, Hyderabad and others
respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 17143 of 2006

ORAL ORDER:

The present writ petition is filed questioning the action of the respondents in not referring the dispute to the concerned Tribunal or Labour Court for adjudication in pursuance of the proceedings of the second respondent in letter No.A2/2053/2000 dated 24.10.2002 in terms of section 12 (4) of the Industrial Disputes Act.

The petitioner herein is employed in the respondent corporation as conductor. Disciplinary proceedings were initiated against him alleging cash and ticket irregularities and after conducting a regular enquiry petitioner was removed from service by proceedings dated 16-12-1991. Against the said order of removal, petitioner submitted an appeal and by order dated 21.4.1992 the appeal was allowed modifying the punishment and directing reinstatement into service with punishment of deferment of annual increment for a period of two years with cumulative effect. Questioning the said order, the petitioner raised a dispute before the Assistant Commissioner of Labour, Warangal-I, Warangal under
section 2-K of the Industrial Disputes Act. The conciliation proceedings ended in failure and the Asst.Commissioner of Labour closed the conciliation proceedings and submitted a factual report vide letter dated 24.10.2002 to the first respondent for taking further action. The grievance of the petitioner is that the first respondent having received the factual report, kept quiet for all these days and has not taken any further action in the matter. Hence, the present writ petition.

Learned counsel for petitioner submitted that in terms of section 12 (5) of the I.D. Act, first respondent on receipt of factual report either has to refer the dispute for adjudication to Labour Court/Tribunal or record its reasons for not referring the matter and communicate the same to the concerned parties. It is further submitted that the first respondent having received the factual report dated 24.10.2002, till date has not taken any action.

Heard learned counsel for petitioner, learned Government Pleader for Labour and learned Standing Counsel for respondent corporation.

The first respondent having received the factual report dated 24.10.2002 instead of keeping the matter pending, ought to have taken necessary further action in the matter in terms of section 12 (5) of the I.D. Act. There is no reason and there cannot be any reason for such a longer delay of more than 3 ½ years period. Hence, the writ petition is disposed of directing the first respondent to consider the factual report dated 24.10.2002 and pass appropriate orders in terms of section 12 (5) of the Act within a period of six weeks from the date of receipt of copy of this order. No costs.

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N.V.RAMANA,J

DATE: 28.8.2006

TVK

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